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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,715	08/06/2001	Takahiko Ogikubo	Q65544	8771

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
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EXAMINER

TOPGYAL, GELEK W

ART UNIT PAPER NUMBER

2616

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,715

Applicant(s)

OGIKUBO ET AL.

Examiner

Gelek Topgyal

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Taira.

Referring to claim 1, Taira discloses the limitations associated with a title selecting device for:

- an information reproducing apparatus wherein titles (Fig. 7, menu displays title screens, or images, and titles of recordings)
- correspond to at least one image (Fig. 7, each title screen, or image, has a corresponding title),
- one of the titles is selected (Fig. 6, at step S18, where a title screen, or image, is selected by the user), and the image corresponding to the selected title is read from the disk and displayed on
- a display section (Fig. 1, element "21" connects to a display section)

comprising:

- read means for reading a typical image corresponding to the selected title when a preview command is entered (Taira shows in Fig. 6, step S16, wherein the menu is displayed on request by the user; this is interpreted as entering the preview command. As described in col. 8, lines 60-64, the menu displays title screens; the displayed images for the title screens are

the corresponding start screen or the first frame of the program, and thereby allows the user to preview the program);

- display means for displaying the read typical image superimposed on the title image displayed on the display section (Fig. 6, step S16, where the menu consisting of title screens are displayed on a display section);

Regarding claim 2, Taira meets the limitation in Fig. 6, steps S18 and S19, where once the user selects an image corresponding to the desired title screen, the image of the title screen is reproduced. By reproducing the program, the first frame of the image and the subsequent frames(video) are displayed on the display unit at the same magnifying power or full screen, of that of the image recorded on the disk.

Regarding claim 3, Taira meets the limitation in col. 8, lines 49-53, where pointers ("TITLE\_PTR") describe the recording start positions or address of the programs corresponding to the title screens.

Regarding claim 4, Taira meets the limitation in col. 10, lines 7-13, where the still images used for the title screens are reproduced depending on the recording start position file ("TITLE\_PTR"). Since the still images are reproduced by using the recording start position file, the actual image information is located at the recording start position file.

Regarding claim 5, Taira meets the limitations wherein the typical image is a still image of the images read from the said disk (met by col. 10, line 7-13, where the title screens on the menu is created as a still image).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsumagari discloses an apparatus where a menu is displayed automatically by the computer.

Nishikawa discloses an apparatus title frame recording apparatus with a preview button to allow users to preview the graphic treatment appended to a recording.

Vallone discloses an apparatus similar to the claimed invention wherein a banner that shows the title, time information, ratings, etc, of a program is superimposed on a playback recording at the same magnification as that of the playback recording (full screen)


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 517-272-8891. The examiner can normally be reached on 8am -5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gt  
11/15/2005

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 262 2616